

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Gerald Bullocks,	:	
	:	
Petitioner(s),	:	
	:	Case Number: 1:18cv313
vs.	:	
	:	Judge Susan J. Dlott
Warden, Southern Ohio Correctional Facility,	:	
	:	
Respondent(s).	:	

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on February 1, 2019 a Report and Recommendation (Doc. 15). Subsequently, the petitioner filed objections to such Report and Recommendation.

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Accordingly, respondent's motion to dismiss (Doc. 6) is GRANTED and petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 3) is DISMISSED with prejudice.

Petitioner's motion for summary judgment on the merits of his petition (Doc. 12) and respondent's motion to stay proceedings on petitioner's motion for summary judgment pending

resolution of respondent's motion to dismiss (Doc. 13) is DENIED as moot.

A certificate of appealability will not issue with respect to any of petitioner's time-barred claims because under the first prong of the applicable two-part standard enunciated in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000), "jurists of reason" will not find it debatable whether the Court is correct in its procedural ruling that such claims are subject to dismissal on statute of limitations grounds.

With respect to any application by petitioner to proceed on appeal *in forma pauperis*, the Court will certify pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of any Order adopting the Report and Recommendation will not be taken in good faith, therefore petitioner is DENIED leave to appeal *in forma pauperis* upon a showing of financial necessity. *See* Fed. R. App. P. 24(a); *Kincade v Sparkman*, 117 F.3d 949, 952 (6<sup>th</sup> Cir. 1997).

IT IS SO ORDERED.

s/Susan J. Dlott  
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Judge Susan J. Dlott  
United States District Court